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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/292,773	04/14/99	BURMER	G 017473-00111

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EXAMINER
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SISSON, B

ART UNIT	PAPER NUMBER
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1655

DATE MAILED:

05/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.

09/292,758

Applicant(s)

BURMER ET AL.

Examiner

Bradley L. Sisson

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1655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 1999.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-72 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

### Attachment(s)

- 14) ☐ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 17) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: \_\_\_\_\_

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***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-3, 6-11, 13, 14, drawn to nucleic acid sequences, and claims 29-33, 38, 39, 55, 56, 62, and 63, drawn to kits comprised of nucleic acid sequences, classified in class 536, subclass 23.5.
  - II. Claim 4, drawn to isolated protein, classified in class 530, subclass 350.
  - III. Claims 5 and 12, drawn to antibody, classified in class 530, subclass 387.1.
  - IV. Claims 15-17, drawn to a method of detecting presence or absence of a senescent protein; and claims 70 and 71, drawn to a method for detecting whether a cell is young, classified in class 436, subclass 94.
  - V. Claims 18-24, drawn to a method of identifying a modulator of senescence of a cell; claims 34-36, drawn to a method for identifying a modulator of a Go-arrested cell; and claims 67-69, drawn to a method of identifying a modulator of a young cell, classified in class 436, subclass 94.
  - VI. Claims 25-28, drawn to a method of detecting whether a cell is undergoing senescence; claim 37, drawn to a method of detecting whether a cell is Go-arrested; claims 53 and 54, drawn to a method detecting whether a fibroblast cell is aging; and claims 60 and 61, drawn to a method for detecting whether a skin cell is aging, classified in class 436, subclass 94.
  - VII. Claims 40-42, drawn to a method for identifying a modulator of cyclin A, classified in class 436, subclass 94.

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VIII. Claims 43-52, drawn to a method for modulating cell senescence in a patient in need thereof; claims 57-58, drawn to a method of modulating the aging of a fibroblast cell in a patient in need thereof; and claims 59 and 64-66, drawn to a method of modulating the aging of a skin cell in a patient in need thereof, classified in class 514, subclass 44

IX. Claim 72, drawn to a method for detecting in a test sample the presence of absence of a mutation in a nucleotide sequence essentially encoding human senescent protein, classified in class 436, subclass 94.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II III and I are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are all drawn to different products having different chemical composition and properties.
3. Inventions IV-VIII and IX are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are all drawn to different methods that result in different end products.
4. Inventions I and IV-IX are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the

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product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product can be used in any of the various methods set forth in Groups IV through IX.

5. Inventions II, III and IV are related as product (Groups II and III) and process of use (Group IV). The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the process as claimed can be practiced with a materially different product such as a nucleic acid probe.

6. Inventions II, III and V-IX are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are drawn to different products (Groups II and III) and unrelated methods (Groups V-IX). The methods do not require nor produce the products.

7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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*Election of Species*

9. In the event that applicant elects the invention of Group I, applicant is further required to elect up to ten (10) sequences for examination.

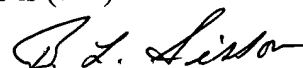
10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

*Conclusion*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley L. Sisson whose telephone number is (703) 308-3978. The examiner can normally be reached on Monday through Thursday from between the hours of 6:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones, can be reached on (703) 308-1152. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7230.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1234.

  
BRADLEY L. SISSON  
PRIMARY EXAMINER  
GROUP 1800-1650